

July 15, 2019

Certified Mail and Electronic Mail

City of Portland
C/o City Attorney's Office
1221 SW 4th Ave Ste 430
Portland OR 97204

Cc: Mayor Ted Wheeler, Police Commissioner
Chief Diane Outlaw, Police Chief
Tracy Reeve, City Attorney

Re: Demand for Retraction

Dear Mayor Wheeler:

My office represents (Pop)ular (Mob)ilization or "Pop Mob." This letter serves as a formal demand to the City to retract its false statement broadcasted on twitter.com that implies directly or indirectly that my clients had put cement in their drinks for the purpose of causing harm on individuals, and correct the public misconception regarding this.¹ The City's irresponsible statement has resulted in many death threats and other violent communications being directed at Pop Mob organizers.²

Pop Mob is an unincorporated association of Portland activists concerned with the rising threat of alt-right and fascists in our city. They often employ music, whimsy, and revelry to create an atmosphere of joyful resistance to threats posed by Proud Boys and other alt-right contingent. On June 29, 2019, Proud Boys once again took the streets of Portland, and Pop Mob stood in defense of their community. To support this joyful atmosphere, Pop Mob distributed cashew-based milkshakes to counter-demonstrators.

Pop Mob made their milkshakes with cashew milk, coconut ice cream, and rainbow sprinkles. They did not put quick-drying cement in their beverages. Not only would this be antithetical to Pop Mob's stated goal of creating a joyful atmosphere, putting a foreign substance into their drink and serving them to counter-demonstrators would likely violate the criminal code.

The City's statement is defamatory *per se*. In publishing this falsehood, you have tortiously injured Pop Mob, and it now demands that you retract and correct your statement. Failure to do so will not only result in continued, unwanted threats against the lives of Pop Mob members and the Portland public in general, but could incur further legal damages against you.

¹ The City posted the following message on its @PortlandPolice twitter page: "Police have received information that some of the milkshakes thrown today during the demonstration contained quick-drying cement. We are encouraging anyone hit with a substance today to report it to police." Accessible at: <https://twitter.com/PortlandPolice/status/1145106839618502656>

² A compilation of such statements can be found here: <https://twitter.com/RVAwonk/status/1146188483339464706>

Your correction and retraction shall state that your defamatory statements previously made are not factually supported and that you regret its original publication. Because your initial statement was both published on the website twitter.com, and was later rebroadcasted by national news outlets who republished this claim without criticism, you must publish this correction, retraction, and statement of regret to as broad of an audience as whom reasonably received this falsehood.

You must complete your retraction and publication of regret in no more than **two weeks** after receipt of this demand. ORS 31.215.

If no retraction is made, Pop Mob can and will exercise all available legal remedies at their disposal. Currently, their claims could include but are not limited to negligence, intentional infliction of emotional distress, and defamation *per se*. Pop Mob will consider this matter settled if you comply with their demand of correction, retraction, and statement of regret.

At your earliest convenience please forward notice of receipt of this notice. Thank you for your anticipated cooperation in this matter.

Sincerely,



Juan C. Chavez
Attorney at Law